

Art Unit: 2405

Election/Restriction

Claims 4, 7-10, 13, 14, 19-24 and 27-34 withdrawn from further consideration by the examiner, 37 C.F.R. § 1.142(b) as being drawn to a nonelected species. Election was made **without** traverse in Paper No. 4. Note that the species illustrated in figure 1 and described on page 9, line 25 to page 11, line 17 do not describe the use of a yarn having a tenacity greater than 10 grams per denier for one of the first and second wrappings.

Claim Objections

Claims 35 and 36 are objected to under 37 C.F.R. § 1.75(c) as being in improper form because a multiple dependent claim cannot be dependent upon another multiple dependent claim. See M.P.E.P. § 608.01(n). Accordingly, these claims have not been further treated on the merits.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Art Unit: 2405

Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1-3, 5, 6, 11, 12, 15-18, 25 and 26 are rejected under 35 U.S.C. § 103 as being unpatentable over Bettcher ('251) in view of Robins et al. Bettcher ('251) discloses a cut resistant yarn as that claimed by the applicant with the exception of disclosing the use of Kevlar for the core fiber component and the first wrapping layer. Robins et al disclose a cut resistant yarn utilizing either Kevlar or Vectran liquid crystal polymer fiber. It would have been obvious to one of ordinary skill in the art to exchange the Kevlar in both the core and the first layer in Bettcher ('251) for Vectran liquid crystal polymer fiber in view of Robins et al so that the yarn produced may have a greater cut resistance as well as other property improvements. Note that the liquid crystal polymer disclosed in Robins et al would inherently possess the property of a tenacity which is no more than 10 grams per denier. If however, the liquid crystal such as Vectran does not inherently possess the property of having a tenacity of no greater than 10 grams per denier, it would have been obvious to select the type of Vectran M fiber which does have this property as a matter of engineering choice of materials having known properties

Serial Number: 968209

-4-

Art Unit: 2405

depending upon the cost and properties desired in the final product produced from the yarn.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph J. Hail III whose telephone number is (703) 308-2687.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0771.



JOSEPH J. HAIL III
PRIMARY EXAMINER
ART UNIT 2405

jjh,8
January 7, 1994